

West's Annotated Code of Maryland

Health--General

Title 18. Disease Prevention (Refs & Annos)

Subtitle 9. Catastrophic Health Emergency Disease Surveillance and Response Program (Refs & Annos)

MD Code, Health - General, § 18-906

## § 18-906. Isolation or quarantine directives

Effective: April 13, 2010

[Currentness](#)

### Contents

(a)(1) If the Secretary requires an individual or a group of individuals to go to and remain in places of isolation or quarantine under [§ 18-905](#) of this subtitle, the Secretary shall issue a directive to the individual or group of individuals.

(2) The directive shall specify:

- (i) The identity of the individual or group of individuals subject to isolation or quarantine;
- (ii) The premises subject to isolation or quarantine;
- (iii) The date and time at which isolation or quarantine commences;
- (iv) The suspected deadly agent causing the outbreak or disease, if known;
- (v) The basis upon which isolation or quarantine is justified; and
- (vi) The availability of a hearing to contest the directive.

(3)(i) Except as provided in subparagraph (ii) of this paragraph, the directive shall be in writing and given to the individual or group of individuals prior to the individual or group of individuals being required to go to and remain in places of isolation and quarantine.

(ii) 1. If the Secretary determines that the notice required under subparagraph (i) of this paragraph is impractical because of the number of individuals or geographical areas affected, the Secretary shall ensure that the affected individuals are fully informed of the directive using the best possible means available.

2. If the directive applies to a group of individuals and it is impractical to provide written individual copies under subparagraph (i) of this paragraph, the written directive may be posted in a conspicuous place in the isolation or quarantine premises.

### **Hearings**

(b)(1) An individual or group of individuals isolated or quarantined under subsection (a) of this section may request a hearing in circuit court contesting the isolation or quarantine.

(2) A request for a hearing may not stay or enjoin an isolation or quarantine directive.

(3) Upon receipt of a request under this subsection, the court shall conduct a hearing within 3 days from receipt of the request.

(4)(i) In any proceedings brought for relief under this subsection, the court may extend the time for a hearing upon a showing by the Secretary or other designated official that extraordinary circumstances exist that justify the extension.

(ii) In granting or denying an extension, the court shall consider the rights of the affected individual, the protection of the public health, the severity of the catastrophic health emergency, and the availability, if necessary, of witnesses and evidence.

(5)(i) 1. The court shall grant the request for relief unless the court determines that the isolation or quarantine directive is necessary and reasonable to prevent or reduce the spread of the disease or outbreak believed to have been caused by the exposure to a deadly agent.

2. If feasible, in making a determination under this subparagraph, the court may consider the means of transmission, the degree of contagion, and, to the extent possible, the degree of public exposure to the disease.

(ii) 1. An order authorizing the isolation or quarantine issued under this paragraph shall:

A. Identify the isolated or quarantined individual or group of individuals by name or shared characteristics;

B. Specify factual findings warranting isolation or quarantine; and

C. Except as provided in subsubparagraph 2 of this subparagraph, be in writing and given to the individual or group of individuals.

2. If the court determines that the notice required in subsubparagraph 1C of this subparagraph is impractical because of the number of individuals or geographical areas affected, the court shall ensure that the affected individuals are fully informed of the order using the best possible means available.

(iii) An order authorizing isolation or quarantine is effective for a period not to exceed 30 days.

(iv) 1. Prior to the expiration of an order, the Secretary or designated official may move to continue isolation or quarantine for subsequent 30-day periods.

2. The court shall base its decision on the standards provided under this paragraph.

(6) In the event that an individual cannot personally appear before the court, proceedings may be conducted:

(i) By an individual's authorized representative; and

(ii) Through any means that allow other individuals to fully participate.

(7) In any proceedings brought under this subsection, the court may order the consolidation of individual claims into group

claims where:

- (i) The number of individuals involved or affected is so large as to render individual participation impractical;
- (ii) There are questions of law or fact common to the individual claims or rights to be determined;
- (iii) The group claims or rights to be determined are typical of the affected individual's claims or rights; or
- (iv) The entire group will be adequately represented in the consolidation.

#### **Counsel**

(c) The court shall appoint counsel to represent individuals or a group of individuals who are not otherwise represented by counsel.

#### **Emergency rules of procedure**

(d) The court of appeals shall develop emergency rules of procedure to facilitate the efficient adjudication of any proceedings brought under this section.

#### **Discharge of employee**

(e) It shall be unlawful for any public or private employer to discharge an employee who is under an order of isolation or quarantine or because of such an order.

#### **Credits**

Added by [Acts 2002, c. 1, § 1, eff. April 9, 2002](#). Amended by [Acts 2003, c. 21, § 1, eff. April 8, 2003](#); [Acts 2010, c. 72, § 1, eff. April 13, 2010](#).

MD Code, Health - General, § 18-906, MD HEALTH GEN § 18-906  
Current through all legislation from the 2020 Regular Session of the General Assembly.

---

